

## CITY COUNCIL AGENDA STATEMENT

**Item No.:**

**Meeting Date:** 12/13/05

**ITEM TITLE:** Public Hearing: Consideration of the Final Environmental Impact Report (EIR 05-01) for the City of Chula Vista General Plan Update.

**SUBMITTED BY:** Director of Planning and Building

**REVIEWED BY:** City Manager

**(4/5ths Vote: Yes\_\_ No X)**

### **BACKGROUND:**

In accordance with the requirements of the California Environmental Quality Act (CEQA), a Final Environmental Impact Report (FEIR) has been prepared to analyze the environmental impacts of the proposed General Plan Update and related actions. CEQA Findings of Fact, and a Mitigation Monitoring and Reporting Program (MMRP), have been prepared that reflect the conclusions of the Final EIR. The Final EIR also contains comments and responses to the comments received during the public review period.

**RECOMMENDATION:** Staff recommends that the Council adopt:

- Resolution EIR-05-01 certifying that the Final Environmental Impact Report (EIR 05-01) has been prepared in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Environmental Review Procedures of the City of Chula Vista; making certain findings of fact; adopting a Statement of Overriding Considerations; and adopting a Mitigation Monitoring and Reporting Program.

### **BOARDS/COMMISSIONS RECOMMENDATION:**

**Planning Commission** - The Planning Commission is scheduled to conduct a public hearing on December 8, 2005, and if needed a second hearing/meeting on December 12, 2005, to consider the FEIR and GPU, and to form its recommendations to the City Council. Due to the size and complexity of the GPU and associated EIR, this staff report is being distributed to Council in advance of those meetings. As a result, staff will forward a separate communication to Council subsequent to that hearing(s), summarizing the Planning Commission's recommendations, and will also address those recommendations to Council as part of staff's oral presentation to Council on the GPU and associated EIR.

**Resource Conservation Commission** - The Resource Conservation Commission (RCC) reviewed the re-circulated Draft EIR on October 17, 2005. After reviewing and discussing the document, the RCC voted 5-1-0-0 (*Commissioner Stillman opposed*) to recommend the certification of the Final EIR by the City Council. The RCC found the document to be in compliance with the California Environmental Quality Act (CEQA). The public comment period for EIR-05-01 was closed at the Planning Commission meeting of November 2, 2005, at which time numerous comments were received from both the public and Commission members.

Comments received at the November 2, 2005 Planning Commission hearing, as well as all written comments received regarding EIR-05-01, have been responded to within the body of the final EIR.

## **BACKGROUND:**

This staff report discusses the general content of Final EIR 05-01. EIR-01-05 was originally circulated for public review and comment on December 31, 2004. As a result of the significant public comment and concerns raised regarding the draft General Plan Update and associated EIR, many of the policies contained within the General Plan Update were modified. The associated EIR was revised to reflect the numerous GPU policy changes, as well as to address significant comments that were received regarding the EIR itself. The revised EIR contains expanded and enhanced analyses regarding such issue areas as air quality, noise, land use, aesthetics, and traffic. Revisions made to the EIR since it was last released for public comment are fully described in the "Summary of Revisions" section of the document. The revised EIR was re-circulated for public comment on September 19, 2005 with the public comment period ending on November 2, 2005. Pursuant to the City of Chula Vista CEQA guidelines, the public comment period was ended at a public hearing at the Planning Commission meeting of November 2, 2005. Numerous oral comments regarding the draft EIR were received from both Commission members and the public. Minutes from the Planning Commission hearing of November 2, 2005 can be reviewed in the response to comments section of EIR-05-01.

Because extensive revisions were made throughout the GPU EIR, the entirety of the EIR was re-circulated for public review and comment. As stated above, most of the revisions to the document were made in response to comments received regarding the prior drafts of the GPU and associated EIR. Since many of the prior EIR comments had been addressed and the re-circulated EIR has been substantially revised, the City has (in accordance with CEQA Guideline 15088.5(f)1) only responded to the comment letters received regarding the re-circulated draft EIR. The Notice of Availability for the re-circulated GPU EIR specifically stated that only new comment letters would be addressed in the re-circulated EIR. As outlined below, a total of 28 comment letters was received.

## **DISCUSSION:**

The re-circulated GPU EIR assesses the environmental impacts of the City of Chula Vista's General Plan Update and associated actions. It constitutes a program-level EIR under the provisions of Section 15168 of the State CEQA Guidelines. The EIR analysis determined whether the land use changes proposed in the GPU would result in a significant impact upon the environment. A significant impact on the environment is defined in CEQA as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project. When a significant impact is identified, the EIR calls out measures or alternatives that would substantially reduce or eliminate (mitigate) the impact. The EIR also identifies impacts that cannot be mitigated to a less than significant level.

In assessing potential environmental impacts, the EIR compares the long-term physical condition (year 2030) of the City of Chula Vista that would result from development under the policies of the GPU, to that of the existing physical condition of the City. This analysis is performed for all areas of the City regardless of whether they are developed or undeveloped; this is termed a “plan to ground” analysis. The EIR also compares the potential environmental impacts that would occur under the policies of the draft GPU to impacts associated with development under the adopted General Plan. This is the “plan to plan” analysis that is in the No Project Alternative section (Page 604) of the EIR.

Many of the goals and policies of the General Plan Update serve to mitigate potential environmental impacts since they call for development that is compatible with surrounding neighborhoods, environmentally sensitive, and sustainable. These policies will be employed over the life of the GPU to shape future development in a way that ensures that potentially significant environmental impacts are reduced to a less than significant level. In this sense, many of the policies of the GPU are “self mitigating.” The General Plan Update EIR contains many of the policies stated in the GPU document in order to demonstrate how potential environmental impacts would be “self mitigated” and, thus, do not result in a significant impact. In these issue areas no further mitigation is necessary. In those instances where potential environmental impacts have been identified, mitigation measures are called for in the EIR.

The General Plan Update process involved the creation of three land use scenarios, from which a preferred alternative was derived. The General Plan Update EIR analyzes the three scenarios developed for the plan as well as the Preferred Alternative in equal detail (at the project level). The level of detail and analysis provided in the EIR gives decision makers the flexibility to adopt either the Preferred Plan or any of the scenarios, since all of these options are adequately covered within the GPU EIR. As discussed in the Findings section below, CEQA findings have only been prepared for the Preferred Plan. Should the City Council decide to adopt Scenario 1, 2, or 3 of the GPU, staff will need to prepare CEQA findings that reflect that particular scenario. Should the City Council wish to approve some variation of the Preferred Plan other than what is addressed in the findings attached to this staff report, staff will need to determine if the modifications to the Preferred Plan are adequately covered by EIR-05-01. In this case the findings would also need to be modified.

#### Comments on the Draft EIR

Letters of comment were received on the Draft EIR from the following agencies and individuals:

State of California, Department of Transportation – District 11  
State of California Integrated Waste Management Board  
County of San Diego  
City of San Diego  
SANDAG  
California Transportation Ventures  
San Diego Gas and Electric  
Chula Vista Elementary School District  
San Diego Association of Governments

Comment letters continued:

Sweetwater Authority  
San Diego County Archaeological Society  
Sierra Club  
Environmental Health Coalition  
The Planning Center  
McMillin Land Development  
Crossroads II  
Scripps Health  
Sweetwater Civic Association  
Friends of Bonita/Sunnyside  
Orrick  
Berkowitz, Lichtstein, Kuritsky, Giasullo, and Gross, LLC  
Folly and Lardner  
Urban Crossroads  
David A. Wood  
Nick Aguilar  
John Hoegeneer  
Terry Thomas  
Jackie McQuade

The letters and responses are included in the Final EIR 05-01 (Attachment 2). All comments received concerning EIR-05-01 have been fully addressed within the Final EIR.

**Summary of Environmental Impacts**

The following discussion contains a summary of the impact conclusions for the Final EIR. The impacts are identified and divided into three categories: less than significant/self mitigated; significant and mitigated to less than significant; and significant and unmitigated

***Less than Significant/Self Mitigated Impacts***

Less than significant/self mitigated impacts were identified in the following environmental issue areas:

- Geology
- Agriculture
- Drainage and Water Quality
- Public Facilities and Services
- Public Utilities (excluding long term water supply)
- Hazards
- Mineral Resources
- Housing (with the exception of growth inducement)

### Significant and Mitigated to Less than Significant

Significant impacts were identified in the following environmental issue areas. Mitigation measures required in the EIR would reduce the significant impacts identified in the following areas to less than significant.

- Cultural Resources
- Paleontological Resources

### *Significant and Unmitigated Impacts*

Significant and unmitigated impacts have been identified in the Final EIR for the following issue areas:

#### Land Use

The GPU EIR identifies significant and unmitigated community character impacts in the Northwest, Southwest, and East Planning Areas for development under the Preferred Plan and the three GPU scenarios. In the Northwest area, the Preferred Plan and three scenarios modify designated land uses to allow for an increase of mixed-use development and focus on redevelopment efforts in the Urban Core, along gateways and major transit corridors. Densities within the Urban Core would also be increased. Adding more density and increasing the number of multi-family units within the Urban Core has the potential to cause an impact on the community character of the existing residential neighborhoods adjacent to areas of change. Impacts upon community character associated with this intensified level of development would result from such factors as an increased level of activity within the area and a more built up environment.

Within the Montgomery Subarea of the Southwest Planning Area, General Plan Update policies would result in focusing redevelopment efforts generally south of L Street along the South Broadway, South Third Avenue and Main Street corridors, and on either side of the I-5 in the vicinity of the Palomar Street Trolley and West Fairfield area. These policies could result in impacts to adjacent development. For Scenarios 1, 2, and 3, significant impacts to neighborhood community character have been identified due to the redesignation of land uses in the Montgomery Subarea from open space to industrial on lands adjacent to protected habitat within the City's MSCP preserve.

Proposed revisions to the City's adopted land use plan in the East Planning Area would result in adjustments to the boundaries and overall densities for residential, commercial, industrial, and public/quasi-public uses. The amount and location of open space and parklands would also be adjusted. Presently, the land within the areas of change within the East Planning Area is vacant, therefore, any proposed changes would cause an intensification in land use over the existing condition. The Preferred Plan and three scenarios have the potential to cause an adverse effect on the community character of the surrounding villages within the East Planning Area.

The above referenced community character impacts would be substantially lessened through the implementation of the goals and policies of the General Plan Update. The goals and policies of the GPU would ensure that development occurring in areas of change is compatible with surrounding areas and that environmental impacts are minimized. Policies such as preserving the character of stable residential neighborhoods, ensuring that development adheres to quality design standards, and facilitating compatible land uses help to minimize environmental impacts. While the adoption of the goals and policies of the GPU would limit land use impacts, the impacts would not be eliminated. The objectives and policies do not completely mitigate identified impacts because the development standards that would serve to limit impacts will be implemented at a later date. The current project is a General Plan Update and the development of design standards is a zoning and specific plan level effort. Until future specific plans are developed and zoning specifications are implemented, impacts remain significant and unmitigated.

#### Landform Alternation/Aesthetics

The GPU EIR identifies potentially significant impacts to landform alternation/aesthetics since the policies set forth in the GPU could substantially degrade the existing visual character or quality. Adoption of the preferred plan and all three scenarios would result in substantial changes to landforms and visual quality throughout the General Plan area. In the Northwest Planning Area, adding more density and increasing the number of multi-family units within the Urban Core Subarea has the potential to cause an adverse impact upon the visual character of the Urban Core. Development completed in conformance with any of the scenarios within the Montgomery Subarea would result in greater land use intensity which would result in increased building heights and mass.

In the East Planning Area, development in accordance with the Preferred Plan and all three scenarios would significantly change the visual character of the area. The existing character in the East Update Area would be changed from an undeveloped area to an urban area. The open rolling hills encountered in the East would be permanently altered by development and the change from open areas to developed areas in the East constitutes a significant adverse visual impact that can not be fully mitigated.

Conformance with the proposed General Plan Update objectives and policies reduce visual quality impacts within the General Plan Update Area resulting from the adoption of the Preferred Plan and all three Scenarios, but not to below a level of significance. Impacts remain significant because of the lack of specific design standards at this time. The current project is a General Plan amendment and the development of design standards are a zoning and specific plan effort. Until future Specific Plans are developed and zoning specifications are implemented impacts remain significant. Additionally, within the East Planning Area, the conversion of open, rolling hills to a developed condition was identified as a significant adverse impact (this also the case under the adopted General Plan). Implementation of mitigation measure 5.2-1 reduces the significant landform alteration and aesthetics impacts; however, the open, rolling hills would be

permanently altered by development and the impact due to the change from open areas to developed areas remains significant and unavoidable.

### Biological Resources

Biological impacts resulting from the Preferred Plan, as well as Scenarios 1 and 3, are mitigated to less than significant. Scenario 2 would, however, result in significant unmitigated impacts to biological resources, since this scenario proposes to allow a portion of Wolf Canyon to be filled to accommodate development. Development under this scenario would require a boundary adjustment to the City of Chula Vista MSCP Subarea Plan. Scenario 2 proposes to remove preserve area in the western fork of Wolf Canyon and to add preserve in the northern portion of the main drainage of Wolf Canyon. Significant impacts occur because Scenario 2 does not conform to the City of Chula Vista MSCP Subarea Plan. Scenario 2 also potentially represents an impact to biological resources within Wolf Canyon. While it may be possible to demonstrate that no adverse biological impacts would result from a boundary adjustment, an analysis has not been completed as part of the GPU. Without a comprehensive biological study, the availability and adequacy of measures to lessen biological impacts cannot be determined. Scenario 2 also proposes to designate portions of the Otay Valley District in an area specified for active recreation for commercial and residential use. These uses are not compatible with the MSCP and the RMP.

### Energy

The Preferred Plan and three scenarios all result in increased energy consumption since they propose greater densities than what are currently called out in the adopted General Plan. Direct impacts to energy would occur if as a result of plan implementation future energy demand outstrips supply. Impacts to energy are significant because there is no long-term assurance that energy supplies will be available to meet demand for the life of the GPU (year 2030) (this is also the case with the adopted General Plan). Although the programs and policies contained within the GPU would result in the more efficient use of energy, the projected increase in population resulting from the Preferred Plan or any of the scenarios would result in an increased demand for energy. None of the energy policies called out in the GPU would ensure that energy supplies will be available. Because there is no assurance of a long-term supply of energy for the life of the GPU, the increased projected energy demand results in a significant unmitigated impact. It is important to note, however, that in their response to the draft re-circulated EIR, SDG&E states that it has filed a long term energy resource plan with the California Public Utilities Commission assuring energy supply for the next 20 years. Energy impacts for future development will be reviewed on a project by project basis for conformance with CEQA.

### Traffic

Significant and unmitigated traffic impacts are identified in the EIR for the Preferred Plan and all scenarios. The traffic analysis assesses traffic impacts based upon separate and distinct thresholds for the City's Urban Core area, and "non-Urban Core" area. Based upon the traffic thresholds as stated in the Traffic Section of the EIR, the Preferred Plan results in no traffic

impacts within the Urban Core. One significant and unmitigated impact is identified within the Urban Core for Scenarios 1 and 2. The Urban Core traffic threshold for a significant impact is a level of service (LOS) of less than D.

The Preferred Plan and each of the scenarios result in significant impacts to non-Urban Core Circulation Element roadways. These impacts occur because several roadway segments that currently operate at LOS C or better are predicted to operate at LOS D or worse, and other segments that currently operate at LOS D, E, or F are predicted to worsen by 5 percent or more with the proposed changes. Traffic impacts and mitigation measures for non-Urban Core roadways have been called out in Table 5.10-5 (Page 368) of the EIR. The impacts are based upon a comparison of the 24 hour average volume of a roadway to its capacity. Mitigation measures only address the operation (intersection function) of the roadway. The only way to increase the capacity of the roadways identified and to mitigate the impact is to add additional lanes. The GPU does not propose road widening for Circulation Element roadways due to physical constraints and environmental concerns. Traffic impacts are, therefore, not fully mitigated.

The EIR also identified significant and unmitigated impacts for area freeways. The EIR identifies freeway impacts in Table 5.10-4 (Page 362). Freeways would have to be widened to provide between one to three general purpose lanes (or the equivalent capacity in high occupancy vehicle and/or managed lanes), depending upon the particular freeway segment. Since the freeway system is developed and managed by Caltrans, the City has only limited ability to affect the level of congestion on these roadways.

### Air Quality

The proposed GPU results in significant unmitigated impacts to air quality. The Preferred Plan and all the scenarios represent a potential increase in development and population in the plan area. By changing land use designations, the General Plan Update would no longer be in conformance with the growth projections used by SANDAG as the basis for the adopted air quality management plan. Measures such as pedestrian trails, on-street bicycle paths, and an emphasis on public transit, have been incorporated into the proposed General Plan Update to lessen air quality impacts. However, the General Plan Update is not consistent with the growth assumptions used to develop the Regional Air Quality Strategy, and as such there is a conflict with an applicable plan. Until revisions are made to the SANDAG plan that reflect the General Plan Update scenario that is ultimately approved, there is a significant adverse air quality impact.

The Preferred Plan and all scenarios are anticipated to result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment. Because the region is not in compliance with established standards for small particulate matter (PM<sub>10</sub>), and because the average daily emission is anticipated to increase, impacts are significant, until the region is in compliance. This is also the case with the adopted General Plan. Scenarios 2 and 3 present a significant odor impact because they place residential uses within 1,000 feet of the landfill.



### Noise

The EIR indicates that traffic increases along area roadways will result in noise increases of between three and nine decibels for receivers located adjacent to some Circulation Element roadways. This increase is a significant adverse impact. Lessening the noise levels in impacted areas would require a lot by lot review of potential exterior use areas and an evaluation of the acoustical performance of each building exposed to the increase. The exterior analysis would assess the feasibility of reducing noise levels to outdoor use areas through the construction of noise barriers or other measures, and the interior review would require consideration of the effectiveness of existing windows and doors, the adequacy of existing construction and the need for retrofit. Since this level of analysis is infeasible at the General Plan stage, impacts remain significant and not mitigated.

### Water Supply

The Preferred Plan and all three scenarios result in significant unmitigated impacts to water supply. Water needs for the region are determined by the San Diego County Water Authority (SDCWA) and stated in their Urban Water Management Plan (UWMP). The UWMP is primarily a forecast of future water demand and does not provide any guarantee of future water supply. The UWMP analyzes historic and current water demands for the San Diego region, compares water supplies with demands through the year 2020, and identifies potential new supplies to meet that demand. Long-term water supply cannot be assured because there are no contracts with water agencies to provide Chula Vista (or other cities) with a guaranteed source of water through the buildout of the GDP. Because the water agencies cannot provide a guarantee of future water supply, the impact to water supply is considered to be significant and unmitigated.

The SDCWA projects that the agencies serving Chula Vista will require 102,200 acre-feet of water per year by 2030 based upon the adopted General Plan (Table 5.14-1, EIR Page 515). Because the water supply forecasts presented in Table 5.14-1 are based upon the regional growth forecasts conducted by SANDAG in accordance with adopted general plans, amending the Chula Vista general plan to increase development potential would result in an inconsistency between the water supply forecast and the newly adopted GPU. Because there will be an inconsistency between the GPU and the UWMP, there is a significant short-term unmitigated impact to the provision of water in the City. It is anticipated that this impact will no longer occur once the UWMP is updated to reflect the GPU, which is likely to occur in 2007.

### Housing

The Preferred Plan and all three scenarios would result in a substantial increase in the population of Chula Vista because they would accommodate growth that may occur locally. The GPU is, therefore, considered to be growth inducing. The environmental impacts associated with increased population are discussed in the individual topical sections of the EIR. Because the Preferred Plan and all three scenarios would induce growth, the impact is significant. No mitigation is available to avoid this impact because adoption of the Preferred Plan or any of the

scenarios would necessarily result in an increase in the population of Chula Vista. The impact is, therefore, significant and unmitigated.

### **Additional Revisions to Draft EIR**

Revisions to the EIR made as a result of public comment have been summarized on Page 1 of the FEIR. Minor typographical corrections have been made to information contained in the Draft Re-circulated EIR; the Final EIR reflects the corrected information. None of the corrections made to the document have resulted in modifications to conclusions regarding the level of significance of impacts.

### **Findings of the Final EIR 01-05**

The Final EIR identified a number of significant environmental effects (or "impacts") that would result from the proposed General Plan Update. Some of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Other impacts cannot be avoided by the adoption of feasible mitigation measures or feasible environmentally superior alternatives. In order to approve the proposed project, a Statement of Overriding Considerations (SOC) must be adopted in accordance with CEQA. Pursuant to CEQA, an EIR can be determined to be adequate and a project approved, even if significant unmitigated impacts are identified and an SOC is required. The purpose of an EIR is to disclose to the public all environmental impacts associated with a project regardless of whether or not these impacts can be mitigated to a less than significant level. The Statement of Overriding Considerations is included as a part of the proposed "Findings of Fact" (Exhibit "A" to resolution of approval of EIR-05-01).

The proposed EIR findings have been prepared for the adoption of the Preferred Plan. The findings also address potential changes to the Preferred Plan in four specific areas of the City, and determine that these changes have been adequately covered in EIR-05-01. These areas are the Freeway Commercial site in Otay Ranch Village 12, the Gun Club site located in Otay Valley, the South Third Avenue District, and the South Broadway District. These potential modifications are fully described on Pages 12-15 of the GPU staff report, dated December 13, 2005.

Should the City Council decide to adopt Scenario 1, 2, or 3 of the GPU, staff will need to prepare CEQA findings that reflect that particular scenario. Should the Council wish to approve some variation of the Preferred Plan other than what is addressed in the attached findings, staff will need to determine if the modifications to the Preferred Plan are adequately covered by EIR-05-01. In this case the findings would also need to be modified.

### **Conclusions**

All feasible mitigation measures with respect to project impacts for the General Plan Update and all associated actions have been included in the Final EIR (see Mitigation Monitoring and Reporting Program in Exhibit "B" to resolution of approval of EIR-05-01). As described above, the implementation of the GPU will result in unmitigated impacts that would remain significant

after the application of these measures; therefore in order to approve the project, the City Council must adopt a Statement of Overriding Considerations pursuant to CEQA Guidelines Sections 15043 and 15093 (see Section XII the CEQA Findings).

The City has examined a reasonable range of alternatives to the proposed project, other than the proposed project described in the Final EIR. Based on this examination, the City has determined that none of the alternatives meets the project objectives, or is environmentally superior to the project (see Section XI of the CEQA Findings).

Staff believes that the Final EIR meets the requirements of the California Environmental Quality Act and, therefore, recommends that the City Council find that the Final EIR has been completed in compliance with CEQA and adopt the Draft Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program attached to this staff report

**FISCAL IMPACT:**

The GPU EIR will not result in the need for the future expenditure of City funds. The fiscal impacts of the policies and programs of the GPU are outlined in the Fiscal Impacts Section of the City Council staff report for the GPU, dated December 13, 2005.

Attachments

1. City Council Resolution EIR 05-01
  - Exhibit A - Findings of Fact and Statement of Overriding Considerations
  - Exhibit B - Mitigation Monitoring and Reporting Program
2. Final EIR 05-01 (previously provided to the City Council)
3. RCC minutes regarding EIR-05-01